

**ALCOHOLIC BEVERAGES
REGULATIONS**

STATE OF MARYLAND

{seal}

FREDERICK COUNTY

2020/2021

Frederick County Liquor Board
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***BOARD OF LICENSE COMMISSIONERS FOR
FREDERICK COUNTY, MARYLAND***

**ALCOHOLIC BEVERAGES
REGULATIONS**

The Board of License Commissioners for Frederick County has adopted the following Regulations, as authorized by §20-207 of the Alcoholic Beverages Article, Maryland Annotated Code. The Board of License Commissioners will fine, and/or suspend, or revoke the license of any violator of these Regulations. Your compliance is expected.

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The Board's website provides further information and policies adopted by the Board, as well as outreach events for training that will help you to be successful in your business operations.

| Revised and effective ~~August 19, 2019~~ after a public hearing.

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Chapter 1. General Provisions

§1.0-Definitions

(a) *Beer/Hard Cider* – Beer is defined as any brewed alcoholic beverage, including beer, ale, porter, stout, hard cider that is

(i) derived primarily from apples, apple-concentrate and water, pears or pear concentrate and water and

(ii) contains no other fruit product but contains at least ½ of 1% and less than 8.5% of alcohol by volume; and alcoholic beverages that contain:

(iii) 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcoholic content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or

(iv) more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol. (Alcoholic Beverages Article §1-101(c))

(b) *Board* – The Board of License Commissioners for Frederick County.

(c) *Club* – An association or corporation that is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit. (Alcoholic Beverages Article 1-101(e))

(d) *Comptroller* – The Comptroller of the State of Maryland. (Alcoholic Beverages Article 1-101(f))

(e) *Establishment* – Licensed place of business.

(f) *Fire Marshal* – This term includes the County Fire Marshal's Office, the County Office of Life Safety or such

other public safety entity that has jurisdiction over fire safety issues at the establishment.

(g) *Keg* – A keg is a container of beer with a capacity of at least 4 gallons that is designed to dispense beer directly from the container. (Alcoholic Beverages Article §5-303(a))

(h) *License Holder or Licensee* – The holder of any alcoholic beverages license or permit issued under the provisions of any law of this State. (Alcoholic Beverages Article §101(o))

(i) *Meals* – Include but are not limited to the following menu offerings: appetizers, soups and/or salads, and main courses.

(j) *Residency* – Home residence is generally determined by the address on a current valid driver's license, unless other satisfactory evidence, as determined by the Board, proves otherwise.

(k) *Restaurant for Class B, Beer or Class B, Beer and Wine* – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving food. The average daily receipts from the sale of food shall exceed the average daily receipts from the sale of alcoholic beverages. (Alcoholic Beverages Article §1-101(y), §20-602, §20-803)

(l) *Restaurant for Class B, Beer, Wine and Liquor* – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving full course meals twice daily, with a seating capacity of 28 persons or more at tables, not including the seats at counters or bars. A restaurant shall have average daily receipts from the sale of food that are at least 40% of the total average daily receipts of the restaurant. The average receipt requirement expires at 10

pm. (Alcoholic Beverages Article §1-101(y), §20-104, §20-904)

There shall be food on the premises at all times to fill orders made from at least 75% of the menu, unless otherwise approved by the Board.

(m) *Wine* – "Wine" means a fermented beverage.

Wine includes:

- (i) Light wine
- (ii) Sparkling wine that is naturally or artificially carbonated; and
- (iii) Fortified wine to which alcohol, spirits, or other ingredients are added.
- (iv) Wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume. (Alcoholic Beverages Article §101-1(ii), §20-801)

(n) *Written notice*-notice or information submitted by mail, fax or e-mail (liquorboard@frederickcountymd.gov) from the licensee or individual authorized to act on behalf of the licensee to the Board's office.

§1.1-Dishonored Checks or Payments

Any licensee who gives the Board's office a check or payment that has been returned for any reason will be notified immediately. If the amount of the check or payment, plus applicable charges established by the Frederick County Treasurer, is not paid by certified funds within 2 business days of notification, the Board's Staff will pick up the license immediately.

§1.2-Regulations

The Board reserves the right to suspend the application of any adopted Frederick County Regulation when it finds that there is good cause to do so. The Board cannot

suspend the application of the Alcoholic Beverages Article or any other State law.

Chapter 2. Licenses

§2.0-Class A (Off Sale) License

A Class A licensee may sell alcoholic beverages at retail in any quantity to the consumer at the establishment and deliver the beverages in a sealed package or container that shall not be opened nor its contents consumed on the premises where sold. (Alcoholic Beverages Article §20-601, §20-802, §20-901)

(a) *Wine Privilege- Cheese & Deli Shop* – An establishment that has average daily receipts from the sale of cheese, meats, sandwiches and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment may be issued a cheese and deli shop wine privilege that authorizes the holder to sell not more than 5 ounces of wine by the glass for on-premises consumption to a customer while that customer

(i) purchases items at the cheese and deli shop or

(ii) attends a fundraising event at the cheese and deli shop under certain conditions.

The holder of the privilege may sell wine for on-premises consumption during normal business hours, but not later than 9 pm. The licensee is subject to the Alcohol Awareness requirements. The fee for this privilege is \$100.00 annually. (Alcoholic Beverages Article §20-802)

§2.1-Class B (On Sale) License

(a) *Class B, Beer Only and/or Beer and Wine* – The establishment shall operate as a restaurant and serve food. This license permits consumption of alcoholic beverages in the establishment only where meals are prepared and served. However, the establishment may sell alcoholic beverages in sealed containers to be carried out and consumed elsewhere. (Alcoholic Beverages Article §20-602 and §20-803)

(b) *Class B, Beer, Wine and Liquor* – The establishment shall operate as a restaurant and serve meals, have a regular seating capacity at tables (not including seats at counters or bars) for 28 or more persons. This license permits consumption of alcoholic beverages in the establishment only where meals are prepared and served, except for alcoholic beverages of not more than 14.5 percent by volume which may be sold in sealed containers to be carried out and consumed elsewhere, except wine that is permitted in Chapter 5, §5.31 & 5.41. No alcoholic beverages over 14.5 percent by volume are to be sold to take out, except wine that is permitted in Chapter 5, §5.31 & 5.41. (Alcoholic Beverages Article §20-903 and §20-904)

The special Class B licenses available are listed under §20-1000 in the Alcoholic Beverages Article.

§2.2-Class C (On Sale) License

(a) *Class C, Beer Only and/or Beer and Wine* – This license permits consumption of alcoholic beverages inside the establishment only. (Alcoholic Beverages Article, §20-603, §20-804)

(b) *Class C, Beer, Wine and Liquor* – A Class C (On Sale), Beer, Wine and Liquor license shall not be issued to any club that has not been in business or regularly operating for at least 3 years prior to applying for the license. This

restriction does not apply to any nationally chartered and recognized bona fide fraternal, charitable or veterans' organization. (Alcoholic Beverages Article §20-905)

The special Class C licenses available are listed under §20-1000 in the Alcoholic Beverages Article.

§2.3-Class DBR (Class 5 Manufacturing License or Brewery)

The holder of a Class 5 Manufacturer's License may apply for a Class DBR, Beer Only Permit and an On-Site Consumption Permit. (Alcoholic Beverages Article §2-207)

The privileges granted to a Class DBR licenses are in addition to those granted to a Brewery holding a Class 5 Manufacturer's License pursuant §2-207 of the Alcoholic Beverages Article and shall not be limited by these regulations. The Board has adopted certain policies with respect to an On-Site Consumption Permit issued to a Class DBR licensee. In the event of a conflict between such policies and these regulations, the policies shall control.

§2.4-Class 1 Distillery On-Site Consumption Permit

A Class 1 Distillery License may be granted an on-site consumption permit by the Board for use at the location of the Class 1 Distillery License. The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other non-alcoholic ingredients for on-premises consumption. The Board shall charge a \$500 annual fee for the on-site consumption permit. (Alcoholic Beverages Article, §2-202 (i))

§2.5-Special Licenses

A Special license may be applied for by a club, Frederick County based business or nonprofit holding any bona fide

entertainment that receives approval from the Board subject to Fire Marshal, Health Department and Zoning Approval. Applications shall be submitted a minimum of two (2) weeks prior to the event. An application filed late will be subject to a late fee to be determined by the Board. (Alcoholic Beverages Article §4-1202, §20-1312, §20-1313)

One licensee must attend and be present at all times. One or more licensees may appear on the license. One alcohol awareness person must be at the event and a valid certificate must be provided to the Board. A pre or post event meeting may be required. All applicants must have an application approved by the Board each calendar year. The license and receipts must be kept on premises at the event. Completed applications must be received by the Board at least two weeks prior to the event.

Chapter 3. Applications

§3.0-General Provisions for New and Transfer Applications

(a) *Applications (New or Transfer)* – The application shall be on the application form provided by the Board’s office.

(b) *Checklist* –The application shall be fully completed with all required information before the Board’s office will consider it filed. Some items from the checklist can remain pending for an application to have a hearing date scheduled.

An application fee, determined by the Board, is required to be submitted with the filed application before a hearing will be scheduled.

(c) *Conditional Approvals* – The Board’s office will accept and process license applications prior to the erection of a building or completion of tenant improvements on the

property for which the application is made when those applications are accompanied by concept plans of the building to be erected or concept plans of the improvements to be constructed, as the case may be, and a seating/interior plan.

(d) *Corporations* – A corporation applying for a license shall submit copies of its Articles of Incorporation, its approval by the State Department of Assessments and Taxation, By-Laws, and the stock certificates showing the stock that has been issued. A copy of the first organizational meeting minutes showing the election of officers and stock breakdown shall also be submitted. An ownership sheet showing the names and addresses and the percentage of stock owned by each stockholder shall be filed with the application.

Any corporation with a change of ownership of 51 percent or more of the stock shall apply for a transfer of the license. This includes incremental changes of stock ownership when the total stock ownership is changed by 51 percent or more.

(e) *Fingerprinting Records Check* – Each applicant shall complete a law enforcement criminal records check following the procedures established by the Board. (Alcoholic Beverages Article §20-1402)

(f) *Fire Marshal* – The Fire Marshal shall approve any new or transfer application, and provide the occupant load for seating at tables as well as the total occupant load prior to the issuance of any license.

(g) *Franchises* – A Class A, alcoholic beverages license shall not be issued to any chain store, supermarket, discount house, or a franchised establishment. (Alcoholic Beverages Article §20-1603)

(h) *Gas Agreement* – Any applicant who sells gasoline or proposes to sell gasoline once licensed shall submit with

the application a signed copy of the agreement with the oil company to ensure that a franchise does not exist. A current agreement with any gas supplier shall be submitted to the Board's office with any application for a new license or to transfer a license. The agreement shall be kept current by submitting any renewed or new agreements to the Board's office.

(i) *Health Department Approval* – Any new or transfer application shall meet all Health Department requirements prior to the issuance of a license.

(j) *Lease* – A copy of the lease (for at least one license year beginning May 1st and going through April 30th) shall accompany each new application or transfer. It shall be in the name of the entity appearing on the license. The Board's office may require documentation of the owner's consent as it finds necessary.

(k) *Limited Liability Company* – A limited liability company applying for a license shall submit copies of its Articles of Organization, the approval by the State Department of Assessments and Taxation, and the Operating Agreement that shows the membership and ownership of the company. An ownership sheet showing the names of all the owners, the percentage held by each owner, and home address of each owner shall be submitted with the renewal application.

Any limited liability company with a change of ownership of 51 percent or more of the company requires an application for a transfer of the license. This includes incremental changes of ownership when the total ownership is changed by 51 percent or more.

(l) *Naturalization/Alien Registration* – Any applicant who is a naturalized citizen shall present the Certificate of Naturalization, or a valid US Passport to the Board's office. Any applicant who is a registered alien shall submit

a copy of the resident alien card to the Board's Office with the application.

(m) *Occupancy Permit* – Before any new license is issued, the Board's office shall receive a copy of the occupancy permit.

(n) *Partnerships* – All partnerships applying for a license shall submit a certified copy of their partnership agreement and written authorization for the designated licensees to apply for and hold the license on behalf of the partnership. The names of all partners shall be stated on the application.

(o) *Police Violations/Calls* – When receiving an application for either a new license or transfer of a license, before granting the application, the Board may take into consideration repeated calls for Police action or violations at the licensed or nearby locations.

(p) *Residency* – Individuals, at least one authorized licensee on behalf of a partnership, at least one officer of a corporation, and at least one authorized licensee on behalf of a limited liability company shall be a resident of Maryland. This individual shall remain a resident while a licensee.

(q) *Notices* – The applicant is required to post the notice approved by the Board's office at the location described in the application for at least 14 days prior to the hearing date relating to the application for the license. (Alcoholic Beverages Article §20-1405)

(r) *Taxes* – Applicants for a new license or transfer of an existing license shall agree to keep current all State and local tax obligations current including, but not limited to: State sales and use tax, withholding tax and admissions tax.

(s) *Trader's License* – Applicants for either a new license or a transfer shall submit a valid trader's license issued by

the Clerk of the Court for the operation of the business to be conducted.

(t) *Unacceptable Patron Behavior* – When receiving an application for either a new or transfer of a license, the Board may take into consideration patron behavior resulting in calls to the police, either inside the premises or on the outside of the premises.

(u) *Withdrawing the Application* – Any application for a license may be withdrawn by the applicant at any time. This shall be done in writing or by notifying the Board's office via e-mail by the applicant or their authorized representative.

(v) *Worker's Compensation* – Applicants for a new or transfer of an existing license shall indicate on the application the policy number and company name or that the applicant is not required to provide coverage.
(Alcoholic Beverages Article §1-404)

(w) *Zoning* – A licensee who files an application for a new location or a different type of license at the same location shall comply with zoning regulations and approval conditions. (Alcoholic Beverages Article §1-405(b))

§3.1–Special Provisions for Transfer Applications

(a) *Bulk Sales Act* – A licensee selling his business shall give the buyer a notarized listing of the names and addresses of all businesses dealt with in the past year, as well as the amount of money owed them (if any). The licensee shall submit a notarized affidavit of compliance with this requirement to the Board's office prior to issuing the license. (Alcoholic Beverages Article §3-302)

(b) *Bulk Transfer Permit* – A licensee transferring his business shall submit to the Comptroller a bulk transfer permit application for approval prior to the completion of the transfer. (Alcoholic Beverages Article §2-111)

(c) *Contract of Sale* – An application for a transfer shall include a valid contract of sale or bill of sale of the business, signed by both parties and completely filled out.

(d) *Sale of Business* – Any licensee who is in the process of selling his business shall notify the Board's office to allow ample time to obtain necessary information relating to the sale, the prospective buyer, and the location. Each sale of a business requires an application for transfer.

A licensee who sells the business and ceases operations without receiving the Board's approval for a transfer of the license shall be required to show cause why the Board should not issue a fine and/or suspension, or revocation.

(e) *Taxes* – No licensee transferring the business who owes any retail sales tax, withholding or admissions and amusement taxes shall be permitted to transfer the license. (Alcoholic Beverages Article §4-302)

(f) *Transfer of Location* – A licensee who intends to transfer the location of the business shall complete an application for a transfer.

(g) *Use of License* – A licensee selling his business who wants to have the purchasers operate the business until the transfer is complete, may do so by submitting a notarized statement on a form approved by the Board to the Board's office for approval. This can only be done once the application for transfer has been received by the Board's office and has been advertised.

This statement shall include the name of the licensee, license number, address, telephone number, cell phone number, e-mail address and the names of the applicants who will be operating the business. The statement shall be signed by all those appearing on the present license and notarized.

All accounts associated with the business shall remain in the name of the current licensee. The current licensee is responsible for all actions of the purchasers or anyone acting on behalf of the purchasers until the Board approves the transfer of the license.

§3.2–Renewals

(a) *Applications* – Application for renewal must be made between March 2 and April 1 inclusive of any year. Any renewal filed late will be subject to a fine determined by the Board for each calendar day, including weekends and Holidays. The application shall be fully completed with all required information before the Board's office will consider it filed and process the application to be renewed. (Alcoholic Beverages Article §4-404)

An application fee, determined by the Board, will be required to be submitted with the filed application before processing.

(b) *Corporations* – An ownership sheet showing all stockholders, the percentage of stock held by each stockholder, and their names, telephone numbers, e-mail addresses and addresses shall be submitted with the application. The Board office shall notify licensees if the corporation is not in good standing. If notified, the licensee will be required to contact the state to resolve the issue prior to the Renewal being issued.

Any licensee desiring to change corporate officers during renewal time shall contact the office for a supplement application. (See Chapter 5, §5.4 (a) for the requirements and procedure to follow to change officers.)

(c) *Hours of Operation, Days of Closing and Managers* – The hours of operation, days of closing, and the name of the establishment's manager with telephone number, cell phone number and e-mail address must be reported to the Board's office in writing.

(d) *Late Pick-up of License* – Any licensee who fails to pick up the new license by the date and time indicated by the Board's office shall be subject to a fine determined by the Board for each calendar day, including weekends and Holidays.

(e) *Lease* – Each renewal application shall include a copy of a lease of at least one year in duration covering the entire period for which the renewed license would be valid (May 1st through April 30th) unless a lease covering the renewal period was previously provided to the Board's office.

(f) *Limited Liability Company* – An ownership sheet showing the name of all the owners, the percentage held by each owner, and home address, telephone number and e-mail address of each owner shall be submitted with the renewal application.

The Board's office shall notify licensees if the LLC is not in good standing. If notified, the licensee will be required to contact the state to resolve the issue prior to the Renewal being issued.

Any licensee desiring to change licensees during renewal time shall contact the Board's office for a supplement application. (See Chapter 5, §5.4 (b) for the requirements and procedure to follow to change a licensee.)

(g) *New License Displayed* – The new license shall be displayed prior to beginning operation on May 1 of the license year, but not before May 1. The license must be displayed in a frame, under glass, in full view of the public. Any license not properly displayed will be subject to a fine. (Alcoholic Beverages Article §3-507)

(h) *Taxes* – The Board's office shall not issue a renewal license if there are any delinquent retail sales, admissions and amusements and/or withholding taxes owed to the Comptroller. If any taxes are owed at the time of filing the

renewal application, it shall be indicated on the application.

Chapter 4. Hearings

§4.0-Hearings and Conferences

All licensees or applicants for a license shall be present during any hearing or conference scheduled by the Board's office. A licensee may submit a request to the Board's office to postpone a scheduled hearing or a conference. If the Board approves the request, an administrative fee determined by the Board and all re-advertising expenses shall be paid prior to rescheduling the hearing or conference.

§4.1-Orders and Rulings

Unless otherwise provided by the Board, the Board's orders and decisions are final when made. When an appeal from a Board order or decision is filed and the cost of the appeal is paid, the Board may stay its decision pending the disposition of that appeal.

§4.2-Decisions – Requests for Reconsideration

Licensees may file a written request for reconsideration of any Board decision within 10 days of the decision. The request shall contain the specific reasons and any new evidence upon which the request is based. A request for reconsideration does not stay the operation of a Board decision unless the Board grants a stay. A request for reconsideration stays the time for an appeal until the time the request is denied or, in the event the request is granted, a subsequent decision is made.

§4.3-Decisions - Appeals

Licensees desiring to appeal any Board decision must file an appeal within 30 days of the decision. The party filing the appeal shall pay for the transcription of testimony. The order for such transcription shall be placed with the Board's office within 5 days after the appeal is filed. The Circuit Court may remand the proceedings to the Board. (Alcoholic Beverages Article §20-2401, §20-2402)

§4.4 – Penalty

Unless otherwise provided by the Board, a fine is due and payable within 24 hours after the decision is given to the licensee. Any late fine payment will double. If the fine is not paid within the next 24 hours, the license is to be retrieved by the Inspector and returned to the Board's office until the fine is paid in full. In the case of a dishonored check, refer to Chapter 1, §1.1.

The Board may reduce a suspension by allowing the licensee to pay a fine of not more than \$1,000 for each week the suspension is reduced. (Alcoholic Beverages Article §20-2801, §20-2802)

Chapter 5. Standards of Operation

§5.0 – Alcohol Awareness Program

The holders of a Class A, Class B or Class C license shall have at least one licensee or a designated employee who has completed an alcohol awareness training program approved by the Comptroller's Office on the premises at all times the establishment is serving alcoholic beverages. The certified person may be absent from the licensed premises, for no more than two hours, for a personal or business reason or for an emergency that meets standards that the Board sets by Regulation. A log-book shall be kept on the licensed premises that contains the name of the

certified person, the date and time of the absence, and the reason for the absence. The log-book shall be available upon the request of the Alcoholic Beverages Inspectors, employees of the Board, or Comptroller's Agents. A certificate of completion shall be issued for each completion of a certified program and is valid for 4 years from the date of issuance. Retraining shall be taken at least every 4 years. An up-to-date valid certificate shall be presented to the proper authority upon request.

Each licensed establishment will be responsible to have on premise at all times all persons certified (either a completion certificate or valid card) for inspectors to verify at times of inspection or produced when requested. (Alcoholic Beverages Article §4-505)

§5.1-Barring Individuals

A no trespassing form shall be filed with local Law Enforcement Agency and a copy should be retained by the licensee (should a warrant be required) and available for inspection.

§5.2-Basket of Cheer Permit

This allows the holder of a Class C per diem license to provide a certain number of baskets of cheer at a benefit performance (a function that the proceeds benefits the non-profit) to raffle. Alcohol contained in the basket for raffle must be produced in Maryland and purchased at a retail establishment. (Alcoholic Beverages Article §20-1317)

§5.3-Changes in Information Provided

Any change of information contained on the original application or any renewal application shall be submitted by written notice to the Board's office within 14 days. This notice requirement includes changes of the home address of any licensee or manager, the business or home telephone number, cell phone number and e-mail address of any

licensee or manager, a change to the physical address of the establishment, a change of the Retail Sales Tax Number, and a change in the Worker's Compensation certification. Changes in the property owner of the establishment shall be reported as soon as the licensee is notified. If the change alters any lease or other documentation that has been submitted in connection with the application, new documentation is required.

§5.4-Change of License Holders, Class A and Class B Licenses

(a) *Corporations and Unincorporated Associations* – Any change of the officers of a corporation or unincorporated association in whose names a license has been issued shall be submitted by written notice to the Board's office within 14 days. The notice shall include a certified copy of the minutes of the corporation meeting signed by the President, Vice President or the Secretary, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board's office will issue a corrected license.

Any change of stock ownership shall be submitted by written notice to the Board's office within 14 days, even if the officers have not changed. The notice shall include corporation minutes to show the change of stock ownership and copies of the issued stock.

When there is a change of the majority of the ownership of corporate stock a complete transfer of the license is required.

(b) *Limited Liability Company* – Any change of the authorized persons of a limited liability company in whose names a license has been issued shall be submitted by written notice to the Board's office within 14 days. The

notice shall include a certified copy of the resolution or other document naming the authorized persons to hold the license on behalf of the limited liability company, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board's office will issue a corrected license.

Any change of the percentage of the ownership of the limited liability company shall be submitted by written notice to the Board's office within 14 days, even if the licensees have not changed. The notice shall include documentation to show the change in the ownership.

When there is a change of the majority of the ownership of the limited liability company, a complete transfer of the license is required.

(c) Partnerships or Limited Partnerships – Any change of a partner of a partnership or a general partner of a limited partnership in whose names a license has been issued shall be submitted by written notice to the Board's office within 14 days. The notice shall include a certified copy of the resolution or other document naming the authorized partners to hold the license on behalf of the partnership or limited partnership, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board's office will issue a corrected license.

Any change of the percentage of the ownership of the partnership or limited partnership shall be submitted by written notice to the Board's office within 14 days, even if the licensees have not changed. The notice shall include documentation to show the change in the ownership.

When there is a change of the majority of the ownership of the partnership or limited partnership, a complete transfer of the license is required.

(d) *Individuals* – The change of the licensee on a license that is held by an individual requires a complete transfer.

§5.5-Changes to the Licensed Premises

Any licensee proposing to expand or reduce the size of the licensed premises or establishment shall submit a written notice to the Board's office along with a copy of the proposed plans and a seating/interior plan. Prior to beginning any construction or any alteration, the licensee shall obtain the Board's approval of the plans. Upon completion of the modifications and the release of any necessary permits, zoning approval, Fire Marshal approval or any required inspections, the Board's office will issue a final approval.

Any licensee proposing to alter or modify the interior or exterior of the premises must submit a written notice to the Board's office along with a copy of the proposed plans and a seating/interior plan. Modifications of any interior walls or alterations that change the size of the rooms within the establishment require the Board's approval.

§5.6-Change of Legal Name of Person Appearing on a License

A person appearing on the license who changes his or her legal name either by marriage, divorce or other legal process, shall notify the Board's office within 14 days of the change and provide supporting documentation of the name change. The Board's office will issue a corrected license upon receipt of the required documentation and payment of the Corrected License fee determined by the Board.

§5.7-Change of Manager

A manager shall be a responsible person who can be called upon to answer questions from the Board, have access to employee records and invoices, and who will be at the establishment the majority of the time.

§5.8-Change of Officers, non-profit Clubs

Any change of officers of a non-profit club in whose name a license has been issued shall be submitted by written notice to the Board's office within 14 days from the date that the new officers take office. The notice requirement includes a copy of the minutes of the election signed by the President, the Vice-President or Secretary, a completed supplemental application form, and a law enforcement criminal records check based on the requirements of the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board's office will issue a corrected license.

§5.9-Change of Trade Name

A change of the establishment's trade name shall be submitted by written notice to the Board's office within 14 days. Upon receipt of the required notice the Board's office will issue a corrected license.

§5.10-Conduct of Business

All licensees must operate their business in such a manner as to avoid disturbing the peace, safety and quiet of the neighborhood where located. All unnecessary noises, including the playing of loud music, loud talking and loud singing at unreasonable times are prohibited. (Alcoholic Beverages Article §4-604, §20-2101)

All licensees shall keep the dining area, the inside area of the establishment, and any outside areas that are part of the establishment neat, clean and orderly. This includes

gathering trash, litter, etc. off of the floor inside the establishment and in the outside areas which include planters and parking areas.

§5.11-Consumption

Class A, B & C (not DBR or Specialty licenses) Between 2:00 am and 6:00 am Monday through Saturday, and between 2:00 am and 10:00 am on Sunday, no person may consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article. The licensee is personally responsible for any violation of this section, whether by the licensee or the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §20-2001, §20-2002, §20-2004, §20-2005)

§5.12-Death of a Licensee

If a license holder dies, the license will expire. However, the Board's office may grant a certificate of permission for the continuation of the business in the name of the Executors or Administrators for the benefit of the Estate of the deceased for a period up to 18 months. The applicant shall obtain an original or certified copy of a letter of administration from the Registrar of Wills and present it to the Board's office before it will grant the certificate of permission. (Alcoholic Beverages Article §20-2301, §20-2302)

§5.13-Deliveries

Class A and B licensees who have properly registered with the Board's office may deliver alcoholic beverages in Frederick County in any quantity to a person of legal drinking age. Delivery forms shall be used giving the date; time; customer's name, address, phone number, cell phone

number and e-mail address; date of birth; the type and quantity of alcoholic beverages; certification that the person receiving the delivery of alcoholic beverages is over 21 years of age and that it is a criminal offense for the alcoholic beverages to be turned over to a minor; and the customer's and the delivery person's signatures. The delivery forms shall be kept on the premise for inspector review for a period of 2 years.

Only bona fide employees on the payroll or licensees are authorized to make deliveries from either Class A or Class B establishments. Deliveries cannot be made to another establishment by either a Class A or Class B licensee such as to a licensed motel or a licensed hotel.

§5.14-Display of License

Every person receiving a license under the Alcoholic Beverages Article shall display the license in a frame, under glass, in full view of the public. (Alcoholic Beverages Article §3-507)

§5.15-Drinks After Hours

No alcoholic beverages shall be served, dispensed or given away in any part of the premises of any Class B or Class C establishment after 2:00 am. All alcoholic beverages shall be off the tables and bar by 2:00 am. No person shall consume alcoholic beverages after 2:00 am. By 2:00 am all patrons shall be out of the establishment. Last call shall be no later than 1:30 am and patrons shall be advised to leave by 1:55 am. Owners and employees shall finish their work and be out of the establishment within a reasonable time. Bands may remain long enough to pack and load their equipment, not to exceed a half hour after closing.

§5.16-Employees

An employee shall be 18 years old to serve, sell or deliver, or otherwise deal with alcoholic beverage.

It is lawful for any bona fide employee to possess alcoholic beverages in the course of his employment where the employment is not prohibited by the Alcoholic Beverages Article.

Persons 14 to 17 years of age are allowed to work in an establishment provided they do not sell, serve, or deliver alcoholic beverages. All licensees who employ minors shall keep a copy of the minor's work permit and a letter of permission from the minor's parents on premise for review by inspectors. (Alcoholic Beverages Article §20-1902)

§5.17 – Fire Marshal

Licensees shall completely comply with all Fire Marshal orders. In the event the establishment is closed by the Fire Marshal, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Board's office by the close of that business day or the opening of the next business day if it falls on a holiday or weekend. Once approval has been given by the Fire Marshal to re-open, the license may be picked up from the office the next business day.

§5.18-Food Requirements, Class B (On Sale), Beer and Beer and Wine Licenses

The establishment shall operate as a restaurant and serve food and continue this operation after being granted a license. (See Chapter 1, §1.0 (j) for the definition of a Class B, Beer or Beer and Wine restaurant, and §1.0 (i) for the definition of a meal.)

§5.19-Food Requirements, Class B (On Sale), Beer, Wine and Liquor Licenses

The establishment shall be operated as a restaurant and serve meals at least twice daily. (See Chapter 1, §1.0 (l) for the definition of a Class B, Beer, Wine and Liquor restaurant, and §1.0 (i) for the definition of a meal.)

§5.20-Health Regulations

All licensees are strictly accountable for enforcing and observing all health regulations in effect in Frederick County or any incorporated municipality in which the establishment is located, concerning the proper sanitation of eating and drinking establishments. In the event the establishment is closed by the Health Department, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Board's office by the close of that business day or the opening of the next business day if it falls on a holiday or weekend. Once approval has been given by the Health Department to re-open, the license may be picked up from the office the next business day.

§5.21-Hours and Days of Operation

(a) *Class A (Off Sale)*, – The privileges conferred by a Class A, Off Sale license may be exercised from 6:00am to 2:00am every day except Sunday. No alcoholic beverages may be sold or dispensed on Sunday by any holder of a Class A, Off Sale, Beer, Wine and Liquor license except by those holders of a Special Sunday Permit, when the hours may be from 10:00am until 2:00am. (Alcoholic Beverages Article §20-2002(a), §20-2004(a), §20-2005(a))

(b) *Class B (On Sale)* – (i) The privileges conferred by a Class B, On Sale, license may be exercised from 6:00am to 2:00am except on Sunday, when the hours for on-premises sales may be from 10:00am to 2:00am unless set by the Board for a specific event that the Board has approved. The hours for off-premise sales may be from 1:00pm to 2:00am (Alcoholic Beverages Article §20-2002(b), §20-2004(b), §20-2005(b))

(c) *Class C (On Sale Only), Clubs* – The privileges conferred by a Class C, On Sale Only license may be exercised from 6:00am to 2:00am except on Sunday, when the hours may be from 10:00am to 2:00am unless set by

the Board for a specific event that the Board has approved. (Alcoholic Beverages Article §20-2002(c), §20-2004 (c), §20-2005(c))

(d) Class DBR/On Site Consumption Permit – The privileges conferred by a Class DBR, On Site Consumption Permit may be exercised from 10:00am to 10:00pm Monday through Sunday except those whose application was accepted to the Tax and Trade Bureau prior to April 2017 which hours are from 6:00am to 2:00am except Sunday when the hours are 10:00am to 2:00am (Alcoholic Beverages Article §2-207 (f, g, h))

(e) *Hours of Operation and Regular Days of Closing* – The hours of operation and regular days of closing shall be submitted by written notice to the Board's office.

Any changes shall be submitted by written notice to the Board's office. Any restaurant that intends to stay open 24 hours a day for preparing and serving food after 2:00am shall give the Board's office a written notice to this effect.

§5.22-Inspections and Searches

Licensees or any employees or authorized agents of the licensee shall allow the Alcoholic Beverages Inspector, Commissioners, any peace officer or duly authorized Comptroller's agents to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building, property or land in which the business is to be conducted, at any time. The licensee is personally responsible for any failure or refusal to allow an inspection or search under this section, whether on the part of the licensee or the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-202)

§5.23-Licensed Premises

In a building where there are two or more businesses operating, requires prior approval from the Board.

§5.24-Outside Areas

Every licensee is responsible for removing litter, trash, cans, bottles, etc. from the outside of the establishment and the parking lot.

Every licensee is responsible for policing the immediate area outside of the establishment. Loitering and drinking outside of an establishment is prohibited. Unless licensees obtain written permission from the Board's office for one day, tables are allowed outside for the consumption of food only, and alcoholic beverages shall not be dispensed or consumed outside, regardless of where the alcoholic beverages are purchased. All licensees shall strictly enforce this requirement.

The licensee shall report persons acting in a disorderly manner or using profane language to the proper police authorities and, if necessary, secure warrants.

§5.25-Outside, Special Event

Special permission to allow the sale and consumption of alcoholic beverages on the outside of the establishment for a special event may only be granted by the Board in writing. The licensee shall request permission by submitting written notice to the Board's office within 14 days prior to the event and include a diagram of the area with access points, security and monitoring plan, description of entertainment, a seating plan and the hours when the special permission will be needed. If the permission is to be granted to a place other than the outside of the licensed premises, a special license is required.

§5.26-Outside Balconies, Porches, Adjacent Sidewalks or Yards

Special permission to use outside balconies, porches, adjacent sidewalks or yards on the outside of an establishment shall be submitted by written notice to the Board's office with a diagram showing the seating plan and access points, description of entertainment and the security and monitoring plan. All outside areas shall be enclosed by a rope or fence barrier of at least 42" from the floor or ground level.

When it is not feasible for the outside area to be adjacent to the licensed premises, the Board may approve use of an area that is in close proximity to the licensed premises.

The licensee shall ensure that there are no violations of the Alcoholic Beverages Article or the Board's regulations in the outside area.

If the area to be used is on the property of the City of Frederick, a Sidewalk Café CO shall be obtained.

Outside areas shall comply with any applicable requirements of Zoning, Permits and Inspections, the Fire Marshal and the Health Department.

§5.27-Pool Tables

Before installing or relocating one or more pool tables, the licensee shall submit a written notice to the Board's office with a diagram of the placement of the pool tables. Approval must be received from the Board's office before the installation or relocation takes place.

§5.28-Private Parties (Other than Club Licenses)

Written approval from the Board's office for a private party where the establishment will be closed to the general public is required. The request shall be submitted by

written notice at least 14 days before the event and must include the date and time needed and the reason for the request. The Board's Regulations apply to these parties.

§5.29-Records, Employees

All licensees shall keep on the premises a record containing the names, addresses, home telephone numbers, cell phone numbers, e-mail addresses and ages of all persons employed by the establishment. A written work schedule for all shifts shall be kept on the premises. These records shall be open for inspection by duly authorized representatives of the Board at all times during regular business hours.

§5.30-Records, Purchases and Sales

Licensees shall keep accurate records of all alcoholic beverages purchased and sold for 2 years from the date of their purchase. These records shall disclose the date of each purchase, the quantity purchased and the seller's name, telephone number, e-mail address and address.
(Alcoholic Beverages Article §1-408)

Class B licensees shall keep daily records of sales of food and alcoholic beverages. These records shall be kept in the establishment at all times, and open for inspection by any duly authorized representative of the Comptroller or the Board at all times during regular business hours.

§5.31-Removing Partially Consumed Bottles of Wine

A person who purchased a meal and a bottle of wine at a licensed establishment, the contents of the wine which is partially consumed with the meal, may remove the bottle and the remaining unconsumed contents from the premises if the licensee or employee inserts a cork or places a cap on the bottle. (Alcoholic Beverages Article §4-1103)

§5.32-Removing Tables and Chairs

The holder of a Class B, Beer, Wine and Liquor license may remove its tables and chairs to accommodate additional patrons at not more than four special events in a calendar year, provided that the licensee:

(a) Shall give the Board's office notice not less than 7 days before the event;

(b) Shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant, and

(c) Does not exceed the maximum number of occupants that the County Fire Marshal allows. (Alcoholic Beverages Article §20-904(c)(3))

§5.33-Resignation of a Licensee

A licensee who wishes to resign will give the Board's office written notice of their desire to be removed from the license. The establishment will need to provide a request for a supplemental or transfer application within two weeks from the date of the resignation. The Board will grant the request unless it finds good cause to the contrary.

§5.34-Responsibility of Licensee

The licensee is personally responsible for the operation of the establishment and is responsible for violations committed not only by the licensee but also by the licensee's agents, employees and operators. This includes the action of off-duty employees on the premises.

§5.35-Restaurants, Food and Alcohol Sales

At renewals, all holders of any Class B license must certify and attest compliance with the food to alcohol ratio requirements.

§5.36-Rules and Regulations

Every licensee shall keep these Regulations in an area where they are easily accessible for reference. All

employees are responsible to read these Regulations so they are familiar with them.

§5.37-Special Use of Licensed Premises

Any licensee desiring to use the establishment for any other type of special show or special activity for any reason other than for what it is normally intended shall submit a written request and receive written approval from the Board's office at least 14 days prior to the event.

§5.38-Storage

No licensee may store or keep any alcoholic beverage except at the establishment or at a public or individual warehouse having a permit for such storage issued by the Comptroller's office. (Alcoholic Beverages Article §4-502(b))

§5.39-Tables, Class A (Off Sale) Licenses

No Class A licensee may have tables with chairs or stools at any counter. NO consumption of food on the licensed premises is allowed except for light snacks, such as chips and candy bars. Video games that a person must sit at to play are considered tables and are not allowed.

§5.40-Utilizing License

A licensee who holds the license at the establishment shall use the privilege granted under the license. If the license is not going to be used within 10 days, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Board's office by the close of that business day.

§5.41-Wine Corkage

The holder of a Class B or C license allowing the sale of wine may obtain a Wine Corkage Permit from the Board's

office allowing an individual the privilege of consuming wine not purchased from the license holder only if: the wine is consumed with a meal during the hours of sale specified by the licensee; the individual receives the approval of the license holder or the license holder's agent, employee or operator; the wine is not available for sale on the license holder's wine list; and the licensee obtains the Wine Corkage Permit before an individual consumes wine not purchased from the license holder.

An individual who consumes wine as herein described may be charged a fee, on which sales tax shall be imposed.

The individual may remove from the licensed premises a bottle of wine, the contents of which are partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle. A bottle of wine that is removed from the licensed premises under these conditions is an "open container" for purposes of §10-125 of the Criminal Law Article.

Any wine that remains on the licensed premises after the meal is finished shall be disposed of by the license holder. (Alcoholic Beverages Article §4-1102)

§5.42-Zoning

A licensee, owner, manager, operator or employee shall operate the establishment in compliance with all applicable zoning ordinances. In the event the establishment is closed by Zoning, the license shall immediately cease sales of alcohol, and the license shall be delivered to the Board's office by the close of that business day. Once approval has been given by Zoning, the license may be picked up from the office the next business day. (Alcoholic Beverages Article §1-405(b))

Chapter 6. Prohibited Practices

§6.0-Borrowing Alcohol from Another Licensee

A licensee shall not borrow, loan, or purchase alcoholic beverages from another licensee.

§6.1-Bottles on Tables

No alcoholic beverage bottles except beer and dinner wines shall be sold and set on tables or the bar.

§6.2-Consumption on the Premises

No person shall consume any alcoholic beverages at the establishment other than those purchased from the licensee and those permitted to be consumed thereon, with the exception of wine that is permitted in Chapter 5, §5.41. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-308)

§6.3-Consumption or Intoxication While on Duty

No licensee or employee shall consume any alcoholic beverages anywhere at the establishment, including the area behind the bar, while on duty.

No licensee or employee shall be on duty at any time, for any reason, while intoxicated, regardless of where the alcoholic beverages were consumed.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations.

§6.4-Convictions, Subject to Fine and/or Suspension and/or Revocation

Any licensee who is convicted of a felony anywhere in the United States is subject to a fine and/or suspension or revocation after a hearing under §20-1401 of the Alcoholic Beverages Article.

Any licensee or employee who is convicted of violating any drug law, driving while intoxicated, driving under the influence of drugs or alcoholic beverages, or any gambling laws when directly pertaining to the establishment will subject the licensee to a possible fine and/or suspension or revocation.

§6.5-Drinks Carried Out

No bottles or cans of alcoholic beverages shall be opened inside an establishment and taken outside for consumption, with the exception of wine that is permitted in Chapter 5, §5.31 or §5.41.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations.

§6.6-Drive-In Windows

Drive-in windows are not allowed. Drive-in windows approved by the Board prior to July 1, 1985 are exempt from this provision. (Alcoholic Beverages Article §20-1604)

§6.7-Drugs

The establishment shall not be used for the purpose of possession, transfer, or use of any illegal narcotic drug. The licensee is personally responsible for any violation of this section by the licensee or the licensee's agents,

employees and operations, as stated in §5.34 of these Regulations.

§6.8-Empty Bottles

Class B and Class C licensees shall dispose of all empty liquor and wine bottles immediately after they are emptied. The bottles shall not be reused or used for mixing.

§6.9-Entertainment

A licensee who plans to add entertainment as a part of the business in addition to the operation of a restaurant must be submitted by written notice to the Board's office describing the type and frequency of the entertainment in accordance with the Board's Entertainment Policy. The Board's prior written approval is required. No contest or other exhibition in which any prize is awarded to contestants for having any part of their anatomy judged in the contest is allowed, whether the part of the body judged is covered or uncovered. There shall not be any bikinis or thongs allowed in any contest at any establishment.

The licensee shall conduct the business in an orderly and decent manner and shall notify the appropriate authorities or law enforcement officials of any indecent exposure taking place at the establishment.

Exotic dancing, exhibition dancing and go-go dancing by a paid performer shall be in a controlled area and shall be specifically approved in writing by the Board. No entertainer shall be touched or travel through the audience at any time.

Videos or movies are allowed, provided that movies showing nudity or sexual activity are not shown.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's

agents, employees and operators, as stated in §5.34 of these Regulations.

§6.10-Entertainment-Nudity and Sexual Displays

The license may not be revoked if: the licensee operates a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances; and the performances express matters of serious literary, artistic, scientific, or political value.

If, after a hearing, the Board finds that any of the activities listed in a. or b. below occurred at any establishment, the Board will revoke the license.

(a) Attire and Conduct – A person may not be: (1) employed or used in the sale or service of alcoholic beverages at the establishment while the person is unclothed or attired so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals or (2) employed or used as a hostess or other person to mingle with the patrons while unclothed or attired as described in paragraph (1) of this subsection. No person shall caress or fondle the breasts, buttocks, anus or genitals of any other person or wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(b) Entertainment – No person shall perform acts of or acts which simulate (a) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (b) the caressing or fondling of the breast, buttocks, anus or genitals; or (c) the displaying of the pubic hair, anus, vulva or genitals. No entertainer whose breasts and/or buttocks are exposed shall perform closer than 6 feet from the nearest patron. No person shall use artificial devices or inanimate objects to

depict, perform or simulate any activity prohibited by this Regulation.

A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting: (1) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (2) any person being caressed or fondled on the breast, buttocks, anus or genitals; (3) scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

No person shall remain in or upon the establishment who exposes to public view any portion of his genitals or anus.

This section does not permit any conduct or form of attire prohibited by any other law, ordinance, rule or regulation.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §20-2101, §4-605)

§6.11-False Statements

No applicant or licensee may make any material false statement in any original application for an alcoholic beverages license, renewal application, letter or written statement, in testimony before the Board or to any other representative of the Board who may be conducting an official investigation. (Alcoholic Beverages Article §4-604)

§6.12-Gambling

The establishment shall not be used for any illegal gambling activity.

§6.13-Games, Drinking Games

No beer pong or other drinking games shall be conducted on the licensed premises, except when used with water only.

§6.14-Give-Away Programs

(a) *Free Food and/or Alcohol* – No licensee may offer free alcoholic beverages. The only free food that may be placed on counters or tables are: cheese, crackers, pretzels and hors d'oeuvres.

Aside from the above, no food or lunch may be given or offered to anyone visiting an establishment for the purpose of inducing the person to purchase an alcoholic beverage to drink on the premises.

Nothing shall be given away FREE or sold at a nominal price for the purpose of inducing the person to purchase an alcoholic beverage. (Alcoholic Beverages Article §6-310)

(b) *Open Bar* – No licensee may offer unlimited alcoholic beverages for a set price. However, if an establishment wishes to have an open bar with a meal for a special occasion, it shall submit a written notice to the Board's office. Permission shall be requested at least 14 days prior to the event, and written approval received. For a New Year's Eve or similar type of event, public or private ads must state "Open Bar" and not "All You Can Drink."

(c) *Dinner or event with Beer, Wine and/or Liquor Pairings or Courses* – If a licensee wishes to have a dinner or event with a pairing of beer, wine and/or liquor for a set fee, a written notice shall be submitted to the Board's office at least 14 days prior to the event giving the details of the date, hours, what is included in each pairing or course, and the cost of the dinner or event. Written approval from the Board's office must be received before the event.

§6.15-Infusion

Licensees must not fuse or mix alcohol and store the infused alcohol for more than three days. The infused alcohol cannot be stored in an original alcohol container. The container must be labeled with the contents and date that the fusion or mixing occurred.

§6.16-Intoxicated Persons

No person shall knowingly sell, barter, furnish or give any intoxicating beverages to any person who, at the time of the sale or delivery, is visibly under the influence of any alcoholic beverage. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-307)

§6.17-Minors

(a) *Consumption or Possession* –The consumption or possession of any alcoholic beverage by any person under the age of 21 years is not allowed. This section applies no matter for whom the alcoholic beverages are or would be purchased. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-309)

(b) *Misrepresenting Age* – No person may falsely represent the age of any person for the purpose of aiding, assisting or abetting the person to illegally purchase, receive or obtain any alcoholic beverage.

(c) *Possession* – No person under the age of 21 may possess or have upon his person any alcoholic beverage.

(d) *Purchases* – No person under the age of 21 may purchase any alcoholic beverage.

(e) *Restricted Areas* – No person under the age of 16 is allowed at the bar, with or without a parent.

(f) *Sales* – No person under the age of 21 years shall be sold or furnished any alcoholic beverages at any time. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-304)

A Maryland State driver's license or a Maryland State age of majority card with the picture on it, or a valid United States Military ID are the only identifications acceptable for positive identification. For out of state persons, due caution by checking two or more cards is required. (Alcoholic Beverages Article §6-305)

A valid United States Passport is acceptable as a form of ID. For foreign visitors, a current valid passport is acceptable.

§6.18-Possession

No licensee or employee of the licensee shall possess at any place on the establishment any alcoholic beverage not permitted to be sold under the license, except wines that are permitted under Chapter 5, §5.41. (Alcoholic Beverages Article §6-311)

§6.19-Powdered Alcohol

Alcoholic Beverages that are sold in a powder or crystalline form for direct use in combination with water or any other substance are prohibited. (Alcoholic Beverages Article §6-326)

§6.20-Purchases and Sales

No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale holder; nor may any licensee keep at the establishment any alcoholic beverages unless so purchased at any time. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-311)

No licensee shall sell to or purchase from any other licensee any alcoholic beverages for resale.

No officers of any club shall purchase alcoholic beverages under the club's name and license for their personal use. No alcoholic beverage shall be sold or purchased by club members to be taken off premises with the exception of Special Event Bottles.

§6.21-Sales from the Bar

No bottles of liquor shall be or sold from the bar.

§6.22-Tampering with Bottles

The contents of any container of alcoholic beverages shall not be tampered with, by the addition to, or the change in any manner whatsoever. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.34 of these Regulations. (Alcoholic Beverages Article §6-313)

§6.23-Vacating the Premises

Any licensee closing 10 days or more shall immediately bring the license to the Board's office for the time approved. Any establishment closed more than 10

consecutive days without the Board's approval will be considered vacated and the license will become null and void.

The licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Board's office by the close of that business day. (Alcoholic Beverages Article §4-702(b))

IMPORTANT NOTE -- ALL REGULATIONS ARE
SUBJECT TO CHANGE BY THE BOARD OF LICENSE
COMMISSIONERS OF FREDERICK COUNTY.
